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17 **UNITED STATES DISTRICT COURT**

18 **NORTHERN DISTRICT OF CALIFORNIA**

19 **SAN FRANCISCO DIVISION**

20 IN RE: UBER TECHNOLOGIES, INC.,
21 PASSENGER SEXUAL ASSAULT
22 LITIGATION

23 Case No. 3:23-md-03084-CRB

24 This Document Relates to:

25 ALL ACTIONS

26 **DECLARATION OF MICHAEL B.
SHORTNACY IN SUPPORT OF
DEFENDANTS UBER TECHNOLOGIES,
INC., RASIER, LLC, AND RASIER-CA,
LLC'S ADMINISTRATIVE MOTION TO
SEAL EXHIBITS IN SUPPORT OF
OPPOSITION TO MOTION TO COMPEL
CUSTODIAL DISCOVERY**

27 Judge: Hon. Lisa J. Cisneros

Courtroom: G – 15th Floor

28 DECLARATION OF MICHAEL B. SHORTNACY IN SUPPORT OF UBER'S ADMINISTRATIVE MOTION TO
SEAL EXHIBITS IN SUPPORT OF OPPOSITION TO MOTION TO COMPEL CUSTODIAL DISCOVERY

Case No. 3:23-MD-03084-CRB

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27 RASIER, LLC, and RASIER-CA, LLC

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1 **DECLARATION OF MICHAEL B. SHORTNACY**

2 I, Michael B. Shortnacy, declare pursuant to 28 U.S.C. § 1746:

3 1. I am a partner at the law firm of Shook, Hardy & Bacon LLP, attorneys of record for
4 Defendants Uber Technologies, Inc., Rasier, LLC, and Rasier-CA, LLC, (collectively, “Uber”). I
5 am a member in good standing of the Bar of the State of California, the State of New York, and the
6 District of Columbia. I know the following facts to be true of my own knowledge, except those
7 matters stated to be based on information and belief, and if called to testify, I could competently do
8 so.

9 2. I have reviewed Exhibits A and B to my Declaration in Support of Uber’s Opposition
10 to Plaintiffs’ Motion to Compel Custodial Discovery, as well as the declarations of Frank Chang,
11 Henry Gustav Fuldner, and Matt Kallman. These exhibits contain highly confidential, sensitive non-
12 public information including personally identifiable information.

13 3. Exhibit A to my Declaration in Support of Uber’s Opposition to Plaintiffs’ Motion to
14 Compel Custodial Discovery is a chart created by Uber that lists 18 current and former Uber
15 Employees by name, title, dates of employment, and non-public internal job responsibilities, whom
16 Uber proposes as ESI custodians in this Action.

17 4. Exhibit B to my Declaration in Support of Uber’s Opposition to Plaintiffs’ Motion to
18 Compel Custodial Discovery is a chart created by Uber that contains commercially sensitive non-
19 public information that would harm Uber’s marketplace standing if sealing is denied, as well as
20 personal identifying information. The document incorporates information from confidential
21 information produced by Uber in this litigation.

22 5. The Declaration of Frank Chang in Support of Opposition to Plaintiffs’ Motion to
23 Compel Custodial Discovery is a document created by an Uber employee for this litigation that
24 contains commercially sensitive non-public information that would harm Uber’s marketplace
25 standing if sealing is denied, as well as personal identifying information. The document also
26 references Uber employees’ names, job titles, non-public information about job responsibilities, and
27 dates of employment.

6. The Declaration of Henry Gustav Fuldner in Support of Opposition to Motion to Compel Custodial Discovery is a document created by an Uber Employee for this litigation that contains commercially sensitive non-public information that would harm Uber's marketplace standing if sealing is denied, as well as personal identifying information. The document also references current and former Uber employees' names, job titles, non-public information about job responsibilities, and dates of employment.

7. The Declaration of Matt Kallman in Support of Opposition to Motion to Compel Custodial Discovery is a document created by an Uber Employee for this litigation that contains commercially sensitive non-public information that would harm Uber's marketplace standing if sealing is denied, as well as personal identifying information. The document also references current and former Uber employees' names, job titles, non-public information about job responsibilities, and dates of employment.

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 29, 2024, in Los Angeles, California.

/s/ Michael B. Shortnacy

Michael B. Shortnacy